

SENATE BILL 2132
By Fowler

AN ACT to amend Tennessee Code Annotated, Title 2, Chapter 1, Part 1; Title 2, Chapter 2, Part 1; Title 2, Chapter 3, Part 1; Title 2, Chapter 4, Part 1; Title 2, Chapter 5 and Title 2, Chapter 7, Part 1, relative to elections.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 2-1-104(a), is amended by adding the following as a new, appropriately designated subdivision:

“Habitation” means a permanent and fixed dwelling place or building that a person occupies and at which they receive the daily services necessary for shelter, sleep, sustenance, self-maintenance and communication like mail or telephone service;

SECTION 2. Tennessee Code Annotated, Section 2-1-113(a), is amended by adding the following as a new subdivision:

(5) All meetings of the state election commission shall be conducted using the parliamentary procedures contained within the latest edition of Robert’s Rules of Order.

SECTION 3. Tennessee Code Annotated, Section 2-2-106(b), is amended by adding the language “codified at 42 U.S.C. § 1973gg” after the language “National Voter Registration Act of 1993”.

SECTION 4. Tennessee Code Annotated, Section 2-2-111, is amended by adding the following language at the end of subsection (a):

Such program for holding supplemental registrations shall comply in all aspects with the requirements of the National Voter Registration Act of 1993, codified at 42 U.S.C. § 1973gg.

SECTION 5. Tennessee Code Annotated, Section 2-2-115(b)(6), is amended by adding the language “or the United States attorney” after the language “district attorney general” in the first sentence of the subdivision.

SECTION 6. Tennessee Code Annotated, Section 2-7-116(c), is amended by adding the following language at the end of the subsection:

In addition, the officer of elections and all other officials at polling places shall comply with any federal statute related to voter assistance.

SECTION 7. Tennessee Code Annotated, Section 2-3-107, is amended by adding the following at the end of subsection (a):

In making such designation, the commission shall pay special attention to the access needs for physically or mobility challenged voters as required in § 2-3-109.

SECTION 8. Tennessee Code Annotated, Section 2-4-103(a), is amended by adding the language “in the county” after the language “within the state house legislative district” and before the language “of which they are an inhabitant”.

SECTION 9. Tennessee Code Annotated, Section 2-5-105, is amended by designated the existing language as subsection (a) and adding the following language as subsection (b):

(b) A candidate who has filed a petition to run for office as a member of a political party may be decertified as a candidate for that party by a seventy-five percent (75%) vote of the state party executive committee if the office is for statewide or U.S. congressional office, or by seventy-five percent (75%) of the county party executive committee if the office is for municipal, county or state legislative office. If a candidate is decertified, the candidate’s name shall remain on the general ballot without designation of a party affiliation.

SECTION 10. Tennessee Code Annotated, Section 2-5-204(b), is amended by deleting subdivision (2) and substituting instead the following:

(2) An executive committee's determination shall be filed with the chair or administrator of elections of each county election commission on whose ballots the candidate's name would otherwise appear no later than twelve o'clock (12:00) noon prevailing time on the tenth day prior to the commencement of early voting. If, by virtue of notification immediately prior to a scheduled election, a county election commission must have ballots reprinted, the executive committee shall be required to reimburse any county election commission affected by such request for the reprinting of any ballots as necessary.

SECTION 11. Tennessee Code Annotated, Section 2-2-104, is amended by designating the existing language as subsection (a) and adding the following language as subsection (b):

(b) The standards for registering voters shall be applied without discrimination, regardless of whether an individual seeks to register to vote:

(1) In person;

(2) By traditional mail; or

(3) Through the department of safety or a social service agency

pursuant to the National Voter Registration Act or its state counterpart.

SECTION 12. Tennessee Code Annotated, Title 2, Chapter 2, Part 1, is amended by adding the following as a new § 2-2-121:

2-2-121.

(a) If an individual's attempt to register to vote is disapproved, the individual shall be so notified, by first-class mail, at the mailing address shown on the individual's voter registration form. Such notice shall be sent not more than fifteen (15) business days after the registration application materials are received. The notice to the applicant shall explain the reason(s) for the disapproval of the attempt to register. The individual shall

have the right to seek to provide completed or corrected information that would demonstrate the individual's eligibility to register.

(b) The election office shall maintain a separate database of all attempted voter registrations that have been disapproved, the reason(s) for the disapproval, the date on which the notice of disapproval was sent to the individual, the date on which any response was received from the individual, and the action taken on any such response.

(c) If the individual does not provide completed or corrected information demonstrating the individual's eligibility to register to vote, by the registration deadline, the individual shall be treated as not having registered to vote.

(d) If completed or corrected information provided by the individual does not demonstrate the individual's eligibility to register to vote, the provisions of § 2-2-125 shall apply.

SECTION 13. This act shall take effect July 1, 2005, the public welfare requiring it.